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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,626	12/19/2000	Luis M. Ortiz	K1028	9875

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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

Office Action Summary

Application No.

09/740,626

Applicant(s)

ORTIZ, LUIS M.

Examiner

Lalita M Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-16,20-25 and 31-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-16,20-25 and 31-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Summary

On March 2, 2004, an Office Action was sent to the Applicant rejecting claims 1-30. On November 29, 2004, the Applicant responded by amending claims 1, 3, 5-10, 12-13, 16, and 20; canceling claims 2, 4, 17-19, and 26-30; and adding new claims 31-40.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 12-13, 15-16, 20, 24, and 31-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Pentel (6,435,406).

Pentel discloses a remote ordering method and corresponding system comprising enabling an establishment employee to process a sale to a customer including obtaining credit card-related data from a customer through a wireless hand held device, entering economic data associated with a sale to a customer into the wireless hand held device, reading credit card data from a credit card provided to the establishment employee by the customer utilizing a credit card reader integrated with the wireless hand held device, wherein the credit card reader is adapted to obtain

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information directly from the credit card and convert it to electronic credit card data, permitting the customer to provide a signature to the wireless hand held device through a touch screen display integrated with said wireless hand held device, and transferring the economic and electronic credit card data from the wireless hand held device through a wireless communication network to a remote server authorized by the customer's bank to authorize economic transactions by the customer (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); accepting a physical signature input via said touch screen display and converting said physical signature to an electronic signature (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); authenticating the economic and credit card data through said server and storing said credit card transaction at said server (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); authorizing said electronic signature and said credit card data through an authorization server associated with said wireless network (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); authorizing said electronic signature and said credit card data through a credit card authorization server associated with said wireless network and the bank (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); transferring an electronic record of said credit card transaction to a wireless hand held device associated with said credit card holder through said wireless communications (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); credit card reading module for reading credit card data from a credit card utilizing a credit card reader integrated with a wireless hand held device and electronic signature module

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physically permitting a credit card holder to input an electronic signature through a touch screen display integrated with said wireless hand held device for use authorizing said credit card transaction associated with card, wireless communications module for transferring said credit card data from said wireless hand held device over a wireless network to remote server associated with a credit card company authorized to approve credit card transactions, and conversion module for converting a physical signature of a credit card holder to an electronic signature (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); rendering module for rendering an electronic receipt on an electronic medium said credit card holder, wherein said electronic receipt verifies said credit card transaction (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); enabling an employee at a point of process a credit card transaction, wherein a customer's credit card offered by customer for payment of a sale to the customer, the process carried by the employee, entering data associated with the sale into a wireless hand held device, enabling wireless hand held device read credit card data from the credit card causing contact between the credit card and a credit card reader integrated with the wireless hand held device, wherein the credit card reader is adapted to obtain information directly from the credit card and convert into electronic credit card data, obtaining a signature from the customer on a touch screen display integrated with the wireless hand held device, and wherein the touch screen display and the wireless hand held device convert the customer's signature into an electronic signature, and transferring the data associated with the sale and the electronic credit card data from the wireless hand held device through a wireless data communication

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network to a remote server operated by a credit card company authorized approve economic transactions by the customer (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); approving credit card payment for sale at the server based on least one credit card data, electronic signature, and economic data provided to the server, and storing information about the credit card transaction at said server (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33); and receiving approval for the credit card transaction at the wireless hand held device (col.1, line 59 to col.2, line 10; col.5, line 50 to col.6, line 45; and col.8, lines 1-33).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-11, 14, 21-23, 25, and 35-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pentel in view of Tognazzini (5,739,512).

Pentel discloses the invention substantially as claimed; however, Pentel does not disclose rendering said electronic signature as a facsimile of a physical signature associated with said electronic signature and credit card transaction data at a printing station associated with said credit card holder; rendering credit card transaction data and said electronic signature as a digitized representation of a physical signature to an electronic mailbox associated with said credit card holder; rendering an electronic

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receipt in an electronic medium selected by said credit card holder, wherein said electronic receipt verifies said credit card transaction; rendering an electronic receipt in an electronic medium selected by said credit card holder, wherein, said electronic receipt verifies said credit card transaction and wherein said rendering is based on a credit card holder profile of said credit card holder; transferring said electronic receipt to a user email account associated with said credit card; transferring an electronic record of said credit card transaction to a wireless hand held device associated with said credit card holder through said wireless communications; rendering module for rendering said electronic signature as a facsimile of said physical signature and credit card transaction data at a printing station associated with said credit card holder; rendering module for rendering said electronic signature as a digitized representation of said physical signature and credit card transaction data at an electronic mailbox associated with said credit card holder; rendering module for rendering an electronic receipt in an electronic medium for said credit card holder, wherein said electronic receipt verifies said credit card transaction; transfer module for transferring said electronic receipt to a user e-mail account associated with said credit card; or a transfer module for transferring an electronic record of said credit card transaction to a wireless hand held device associated with said credit card holder through said wireless communications.

Tognazzini teaches digital delivery of receipts comprising electronic delivery of credit card receipts to email addresses (col.4, line 48 to col.5, line 15) that may be printed out at a printer designated by the credit card holder if desired. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate

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digital delivery of receipts to email addresses, as taught by Tognazzini into the device and method disclosed by Pentel, to demonstrate that an alternative method of delivering receipts to credit card holders is known and to allow the user to receive confirmation of card activities upon signing on the hand-held digital screen.

Response to Arguments

Applicant's arguments with respect to claims 1, 3, 5-16, 20-25 and 31-40 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

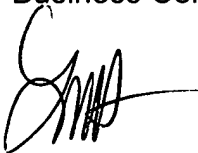
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M Hamilton whose telephone number is (703) 306-5715. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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